

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EZRA SMITH, Plaintiff,) **CIVIL ACTION FILE NO.**

vs.) **1:24-cv-05158-TWT**

MONIQUE TRACEY, *et al.*, Defendants.)

DEFENDANT TRACEY'S INITIAL DISCLOSURES

COMES NOW DEFENDANT MONIQUE TRACEY and provides these Initial Disclosures as follows:

(1) If the Defendant is improperly identified state Defendants' correct identification and state whether Defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

RESPONSE: Not applicable.

(2) Provide the names of any parties whom Defendants contend are necessary parties to this action, but who have not been named by Plaintiff. If Defendants contend that there is a question of misjoinder of parties, provide the reasons for Defendants' contentions.

RESPONSE: Not applicable.

(3) Provide a brief factual basis for the defense or defenses and any

counterclaims or cross-claims asserted by Defendants in their responsive pleading.

RESPONSE:

On or about July 8, 2024, Plaintiff Ezra Smith (“Plaintiff”) was arrested and booked into the Rockdale County Jail. Plaintiff was placed in Holding Cell 7 with multiple other inmates. The circumstances made attempted suicide highly improbable. The other inmates were booked into the jail and Plaintiff remained the only one in the cell. Early on July 9, 2024, Plaintiff became agitated and began banging on the cell door. After this, Plaintiff ceased banging on the cell door and making any noises from within Holding Cell 7.

Defendant Tracey investigated by approaching the door of Holding Cell 7 to check on Plaintiff. Plaintiff had wrapped the cord of the telephone on the wall around his neck and was kneeling on the floor by the telephone. After that discovery Defendant Tracey called for help. Defendant Jackson responded and life-saving measures were initiated. Plaintiff regained consciousness and EMS arrived and took Plaintiff to the hospital.

(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which Defendants contend are applicable to this action.

RESPONSE:

42 U.S.C. §§ 1983, 1988

United States Constitution, 14th Amendment

Reichle v. Howards, 132 S.Ct. 2088, 2089 (2012)

Gish v. Thomas, 516 F.3d 952, 954 (11th Cir. 2008)

Farrow v. West, 320 F.3d 1235 (11th Cir. 2003)

Burnette v. Taylor, 533 F.3d 1325, 1332 (11th Cir. 2008)

Cook ex rel. Est. of Tessier v. Sheriff of Monroe Cnty., Fla., 402 F.3d 1092, 1115 (11th Cir. 2005)

Williams v. Limestone Cty., Ala., 198 F. App'x 893 (11th Cir. 2006)

(5) Provide the name, if know, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See Attachment "A".

(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule.

RESPONSE: Defendant has not yet retained an expert for use at trial and will supplement this response, as necessary.

(7) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or

control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information.

RESPONSE: See Attachment “C”.

(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34.

RESPONSE: Not applicable.

(9) If Defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendants in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

RESPONSE: At this time Defendant does not have sufficient information to evaluate the potential liability of any nonparty person or entity.

(10) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this

action or to indemnify or reimburse for payments to satisfy the judgment.

RESPONSE: On information and belief, Plaintiff's counsel have a copy of the declaration pages for the membership coverage agreement between Rockdale County and ACCG-IRMA for the period in question.

WILLIAMS & WAYMIRE, LLC

/s/ Jason Waymire

JASON C. WAYMIRE

Georgia Bar No. 742602

Attorneys for Defendant Tracey

Bldg. 400, Suite A
4330 South Lee Street
Buford, Ga 30518
678-541-0790
678-541-0789
jason@wmwlaw.com

ATTACHMENT “A”

The following individuals are likely to have discoverable information relevant to disputed facts at issue in this litigation. Defendants reserve the right to supplement this list. Persons disclosed by other parties are deemed known to all parties and, therefore, may not appear on this list.

<u>NAME</u>	<u>CONTACT (last known)</u>	<u>SUBJECT(S)</u>
Smith, Ezra	Through his counsel	Background, incident in this case, claimed damages
Gomez, Raul	Can be contacted through his counsel	The incident underlying this case
Jackson, Shenequa	Can be contacted through her counsel	The incident underlying this case
Sanchez, Erica	Can be contacted through her counsel	The incident underlying this case
Tracey, Monique	Can be contacted through her counsel	The incident underlying this case
Tatum, Kevin	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	Conducted an investigation
Daniel, J.	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	The incident underlying this case
Hall, Adrian	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	The incident underlying this case
Little, FNU	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	The incident underlying this case

Dieudonne, FNU	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	The incident underlying this case
Napier, FNU (nurse)	Unknown at this time	The incident underlying this case
Harper, Brianna	2411 Wilson R., Conyers, GA	Damages and Plaintiff's background
Matthews, Brandon	Rockdale Co. SO, 911 Chambers Dr., Conyers, GA (770) 278-8000	Responded to domestic incident on 5/17/2024
Duncan, Naomi	2411 Wilson R., Conyers, GA	Domestic incident on 5/17/2024

ATTACHMENT “C”

Defendant identifies the following documents and materials that are relevant to disputed facts alleged with particularity in the pleadings in this action, and reserves the right to supplement this list with additional materials that have been inadvertently omitted, or are discovered later. Defendant does not necessarily possess the originals of these materials.

DESCRIPTION OF MATERIAL(S)

1	Video recording of jail booking area
2	Officer Jackson bodycam video
3	Cpl. Hall bodycam video
4	Video recordings from holding cell 7
5	Other video recordings from the time frame surrounding the incident
6	Officer reports regarding Plaintiff’s attempted suicide incident
7	Ezra Smith booking report from 5/17/2024
8	Holding cell 7 roster
9	Incident report from Plaintiff’s arrest on May 17, 2024
10	Text messages with Def. Tracey’s supervisors

CERTIFICATE OF SERVICE

I hereby certify that I have this day served all parties with a copy of the within and foregoing INITIAL DISCLOSURES by e-filing same with the Court.

This 24 day of March, 2025.

WILLIAMS & WAYMIRE, LLC

/s/ Jason Waymire
JASON WAYMIRE